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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/389,201	09/02/1999	JAMES JOSEPH BABKA	AT9-99-357	5061

7590   10/10/2003

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EXAMINER
TANG, KENNETH

ART UNIT	PAPER NUMBER
2127	

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2003* .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

1.   This final action is in response to Paper Number 4, received on 7/31/03. Applicant's

arguments have been fully considered but they are not deemed to be persuasive. Claims 1-16 are

presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-2, 9-10, 12-14, and 16 are rejected under 35 U.S.C. 103(a) as being obvious

over Mann (US 6,295,534 B1) in view of Rathbun (US 6,138,123).

2.   Referring to claims 1, 9, and 13, Mann teaches a method, system and program for

tracking activities in a data processing system, comprising the steps of:

-     maintaining an ordered list of activities running in the system *["apparatus for*

      maintaining an ordered list", see title];

-     inserting the new activity at a top of the list *["push operation whereby a new data item is*

      stored in the index unit corresponding to a specified address", col. 3, lines 9-20. The

      "control circuitry 42" functions to receive the "push signal" (col. 4, lines 24-31)];

     -   removing the completed activity from the ordered list;

Mann fails to explicitly teach inserting and removing whenever an activity begins and is

finished, respectfully. However, it is common knowledge in the art that new items/activities to

the data structure should be added or inserted to the ordered list. And likewise, it is common

knowledge in the art that items/activities that are completed should be removed from the ordered

list. The motivation for doing this would be for improving the control of data. If there are

activities, they should be in the ordered list so that there could be fast, efficient maintenance of

the ordered list of data [see abstract].

Mann also fails to explicitly teach:

     -   displaying the activity that is at the top of the list.

However, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to include the feature of displaying the activity that was of interest, or in this particular

case, the activity at the top of the list for the reason of improving the usability for the user. It

would be convenient to the user if it had displayed the activity of interest.

Mann also fails to explicitly teach the activities in the ordered list are running in parallel.

However, Rathbun teaches the use of ordered lists in parallel form *["parallel data-structures",*

"maintenance programs", col. 3, lines 50-55]. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to include the feature of parallel processing for

the reason of increasing the speed and power of the system for maintenance of the ordered lists

of data *["The goal in parallel processing is to utilize a number of processors (P) to increase the*

system's speed and power by a factor of P", "maintenance of ordered lists of data", col. 1, lines

58-67].

3.   Referring to claims 2, 10, and 14, Mann fails to explicitly teach the method and system as

recited in claims 1, 9, and 13, respectively, wherein the displaying step displays a code

pertaining to the latest-started activity that has not completed. Likewise to the rejection stated in

claim 1, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to include the feature of displaying the activity that was of interest, or in this particular

case, the activity at the top of the list for the reason of improving the usability for the user. It

would be convenient to the user if it had displayed the activity of interest.

4.   Referring to claims 12 and 16, Mann fails to explicitly teach the program as recited in

claims 9 and 13, respectfully, wherein the displaying step further comprises the steps of and

system circuitry for:

-   determining if an activity that has completed is currently being displayed;

-   if the activity that has completed is currently being displayed, displaying an activity that

    had previously been displayed.

Likewise to the rejection stated in claim 1, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to include the feature of displaying the activity that

was of interest, or in this particular case, the activity at the top of the list for the reason of

improving the usability for the user. It would be convenient to the user if it had displayed the

activity of interest. It is also inherent that there are condition statements created and set by the

programmer that make the decisions on whether or not the activity is to be displayed.

Claims 3, 11, and 15 are rejected under 35 U.S.C. 103(a) as being obvious over

Mann (US 6,295,534 B1) in view of Rathbun (US 6,138,123) and further in view of

Dinwiddle, Jr. et al. (hereinafter Dinwiddle) (US 5,113,522).

5.   Referring to claims 3, 11, and 15, Mann and in view of Rathbun fails to explicitly teach

the method as recited in claims 1, 9, and 13, respectfully, wherein the activities are

configurations of devices attached to the data processing system. However, Dinwiddle teaches

configurations of devices attached to a processing system *["device", "configured I/O devices",*

col. 84, line 55]. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to include the feature of the activities being configured of devices attached

to the data processing system for the reason of increasing the functionality of the system by

communicating with and utilizing other devices.

Response to Arguments

6.   Examiner has fully considered the Applicant's argument with regards to 35 U.S.C. 112.

Examiner has found the argument to be persuasive and this rejection has been withdrawn.

7.   *Applicant argues with respects to claims 1-2, 9-10, 12-14 and 16 that rejections based on*
35 U.S.C. 103(a) are not valid because the motivation for combining references are based from
Examiner's subjective opinion.

In response to applicant's argument that there is no suggestion to combine the references,

the examiner recognizes that obviousness can only be established by combining or modifying the

teachings of the prior art to produce the claimed invention where there is some teaching,

suggestion, or motivation to do so found either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir.

1992).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kenneth Tang whose telephone number is (703) 305-5334. The

examiner can normally be reached on 9:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on (703) 305-8498. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 746-7239 for regular

communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is none.

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October 1, 2003

MAHID A. DHANANKHAH
PRIMARY EXAMINER